

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CHERYL ANN CARLSON,

Plaintiff,

v.

ANDREW M. SAUL, *Acting
Commissioner of Social Security,*

Defendant,

SOCIAL SECURITY
ADMINISTRATION OFFICE
OF GENERAL COUNSEL,

Interested Party.

Case No. 3:19-cv-00384-MMD-CLB

ORDER

Pro se Plaintiff Cheryl Ann Carlson brings this action under 42 U.S.C. § 405(g). Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 27), recommending Plaintiff’s motion for remand for consideration of new medical evidence (ECF No. 24 (“Remand Motion”))¹ be denied, and that Defendant Andrew Saul’s motion to affirm Defendant’s decision denying Plaintiff disability insurance benefits and supplemental security income (ECF No. 25 (“Affirm Motion”)) be granted. Plaintiff had until November 30, 2020 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will deny Plaintiff’s Remand Motion, and grant Defendant’s Affirm Motion.

¹Judge Baldwin properly construed a document that Plaintiff filed (ECF No. 24) as a motion to remand. (ECF No. 27 at 1.)

1 The Court “may accept, reject, or modify, in whole or in part, the findings or
2 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party
3 fails to object to a magistrate judge’s recommendation, the Court is not required to
4 conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas*
5 *v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114,
6 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and
7 recommendations is required if, but *only* if, one or both parties file objections to the
8 findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory
9 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no
10 clear error on the face of the record in order to accept the recommendation.”).

11 Because there is no objection, the Court need not conduct *de novo* review, and is
12 satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends denying
13 Plaintiff’s Remand Motion because the July 30, 2020 Spine Nevada medical report is not
14 material to the Defendant’s decision, but rather could be material to a new application for
15 benefits. (ECF No. 27 at 8.) The Court agrees with Judge Baldwin. Having reviewed the
16 R&R and the record in this case, the Court will adopt the R&R in full.


17 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF
18 No. 27) is accepted and adopted in full.

19 It is further ordered that Plaintiff’s motion for remand (ECF No. 24) is denied.

20 It is further ordered that Defendant’s motion to affirm (ECF No. 25) is granted.

21 The Clerk of Court is directed to enter judgment in accordance with this order and
22 close this case.

23 DATED THIS 1st Day of December 2020.

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26 _____
27 MIRANDA M. DU
28 CHIEF UNITED STATES DISTRICT JUDGE